

Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Sulak
Lanning	Van Zandt
Lemens	Vick
Lovelady	Weinert
Martin	Winfield
Mauritz	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Conference Committee on House Bill 369

The President announced the appointment of the following conferees on the part of the Senate on H. B. No. 369:

Senators Mauritz, Hill, Lovelady, Stone and Sulak.

Adjournment

Senator Lovelady moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

FORTY-FOURTH DAY

(Tuesday, April 1, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Chadick	Lemens
Cotten	Lovelady
Fain	Martin
Formby	Mauritz
Graves	Metcalf
Hazlewood	Moffett
Hill	Moore

Ramsey	Van Zandt
Shivers	Vick
Smith	Weinert
Stone	Winfield
Sulak	York

Absent—Excused

Spears

A quorum was announced present. Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Vick.

Reading of Letter to Governor

Senator Hill submitted a copy of a letter to Governor O'Daniel, which was read to the Senate, as follows:

Crockett, Texas,
March 30, 1941.

Governor W. Lee O'Daniel,
Austin, Texas.

Mr. O'Daniel:

After listening to your program this morning, I am attempting again to get you to read this letter over the radio.

I am surprised at you criticising the Legislature for not sticking to their promises that they made during their campaign, when you were the "main one" that set the example. You well remember you saying in your campaign that "you were going to see, if elected, that every person over sixty-five years of age in Texas would receive \$30.00 a month." You have not even recommended this to the Legislature, much less saw that these people received the \$30.00, as you promised.

Dear Governor, please explain this to the people next Sunday over the radio. I well know how good you are at "putting the monkey" on the other man's back. I am going to listen next Sunday and see just how well you can perform this job.

It is clear that every tax you have recommended is to tax one class of old age for another class of old age.

I am going to write every legislator that I can, day after day, for help until I get you to explain your promise made in your first campaign that you would "see" that every person in Texas over sixty-five would receive \$30.00, per month.

Mr. O'Daniel, as I see it, you just as well answer this question over the radio next Sunday, for I am going to continue to write the legislators for help to try to get you to answer it, until this session of the Legislature is over.

Sincerely yours,

J. A. BEATHARD.

P. S.: Remember the main question for you to answer: You said you would see that every person in Texas would receive \$30.00 per month.

Reports of Standing Committees

Senator Aikin submitted the following report:

Austin, Texas,
March 31, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 567, A bill to be entitled "An Act making emergency supplementary appropriations for the support and maintenance of the Texas Liquor Control Board for the fiscal year ending August 31, 1941, and for the payment of refund claims filed under the provisions of the Texas Liquor Control Act; providing regulations and restrictions in respect to the appropriations made herein; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Senator Van Zandt submitted the following report:

Austin, Texas,
March 31, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 379, A bill to be entitled "An Act regulating commissions and renewal contracts of agents with life insurance companies doing business in

Texas whose books and records are not located in Texas; providing that commissions and renewal contracts are non-forfeitable by insurer; providing for liability for insurer in certain cases; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Kelley submitted the following report:

Austin, Texas,
March 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 311, A bill to be entitled "An Act amending Article 3943, Revised Civil Statutes of Texas, 1925, as amended by Chapter 230, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 346, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 252, Acts of the Forty-fifth Legislature, Regular Session, providing for commissions to be paid to county treasurers for various counties in Texas; etc.; and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

HILL, Chairman.

Senator Brownlee submitted the following report:

Austin, Texas,
April 1, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 279, A bill to be entitled "An Act creating a special road law for San Patricio County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said

scrip and time warrants; validating said scrip and time warrants; providing the general laws of the State of Texas shall be applicable to San Patricio County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Senate Bill 411 on First Reading

The following local bill was introduced, read first time and referred to the committee indicated:

By Senator Lovelady:

S. B. No. 411, A bill to be entitled "An Act providing for the setting of nets for the purpose of catching suckers, buffalo, carp, shad and gar in the waters of Bosque County during certain months; and declaring an emergency."

To Committee on Game and Fish.

Senate Bill 412 on First Reading

Senator Aikin moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The following bill then was introduced, read first time and referred to the Committee on Finance.

By Senator Aikin:

S. B. No. 412, A bill to be entitled "An Act making certain emergency appropriations for the Adjutant General's Department incident to the support of the Texas Defense Guard; and declaring an emergency."

Message from the House

The Assistant Reading Clerk of the House was recognized by the President to present the following messages:

Hall of the House of Representatives,
Austin, Texas,
March 31, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 747, A bill to be entitled "An Act amending H. B. No. 482, Acts of the Forty-sixth Legislature, to include Dimmit County in the provisions of said Act; and declaring an emergency."

H. B. No. 749, A bill to be entitled "An Act to amend Section 1 of Article 4032a of the Penal Code of the State of Texas, the same being Chapter 227, Section 1, page 381, Acts of the Forty-second Legislature, so as to provide means by which the soldiers stationed in Texas under the National Defense Act, and others may be permitted to enjoy fishing in salt water without the payment of nonresident fishing license and artificial lure license; and declaring an emergency."

H. B. No. 754, A bill to be entitled "An Act providing that members of the commissioners' court in counties having a population of not less than five thousand nine hundred and ninety (5,990), nor more than six thousand (6,000), according to the last preceding Federal Census, may receive each, the sum of Twenty-five (\$25.00) Dollars, per month for traveling expenses, said sum to be paid out of the road and bridge fund of said county; and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act providing that in counties having a population of not less than thirty thousand (30,000), nor more

than thirty thousand two hundred fifty (30,250), according to the last preceding Federal Census, the commissioners' court shall have the authority to fix the per diem rate of pay for county prisoners working or serving out a fine, at not less than One (\$1.00) Dollar per day nor more than Three (\$3.00) Dollars per day; and declaring an emergency."

H. B. No. 757, A bill to be entitled "An Act creating a special road law for Hartley County, Texas; authorizing the commissioners' court to issue funding or refunding bonds or warrants in lieu of certain scrip warrants or time warrants, or both, and validating such warrants; providing the method of issuing the same; making it the duty of the commissioners' court to levy a tax sufficient to pay the principal and interest as they mature and accrue; making the general laws pertaining to roads and bridges applicable to Hartley County, Texas, and providing that the provisions of this Act shall be effective in case of conflict with any general or special law; providing that if any portion of this Act shall be held invalid, such holding shall not affect the other portions hereof; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 772, A bill to be entitled "An Act to amend Section 1 of S. B. No. 314, Chapter 59, page 74, Special Laws of the Regular Session of the Forty-third Legislature, so as to except wild geese and wild ducks from the provisions thereof; and declaring an emergency."

H. B. No. 778, A bill to be entitled "An Act making it unlawful to kill fox in Liberty and Hardin Counties for a period of five years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 779, A bill to be entitled "An Act making it unlawful to kill or attempt to kill bear or wild turkey or molest same in Hardin County for a period of five years; providing a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 780, A bill to be entitled "An Act making it unlawful to kill or attempt to kill deer, bear or wild turkey or trap or molest same in Liberty County for a period of five years; providing a penalty; repealing

all conflicting laws; and declaring an emergency."

H. B. No. 781, A bill to be entitled "An Act preventing the killing or possession of any fox in Hopkins County for a period of five years; repealing conflicting laws; providing a penalty; and declaring an emergency."

H. B. No. 784, A bill to be entitled "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2,000) inhabitants, heretofore incorporated and/or attempted to be incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925; and validating all governmental proceedings performed by the governing bodies of such cities and towns since their incorporation or attempted incorporation, respectively; providing the provisions hereof shall affect no city or town now in litigation; and declaring an emergency."

H. B. No. 788, A bill to be entitled "An Act applicable to the County of Coke, State of Texas, prohibiting the transportation of minnows taken in said county beyond the borders of said county for the purpose of sale; limiting the number of minnows to be transferred beyond the borders of said county; prohibiting the use of trot-lines or throw-lines containing more than twenty-five (25) hooks; limiting the use of such lines to a maximum of two such lines to any person or group of persons; providing for a closed season on fishing in said county, with certain exceptions; providing legal length of catfish in said county; providing the daily bag limit of catfish; providing penalties for any violation of this Act; and declaring an emergency."

H. B. No. 789, A bill to be entitled "An Act applicable to the County of Coke, State of Texas, prohibiting the taking or hunting of wild deer, buck, doe, fawn, and wild turkey for a period of five (5) years; prohibiting the taking or hunting of bobwhite quail and blue quail for a period of two (2) years; and providing penalties for any violation of this Act; and declaring an emergency."

H. B. No. 792, A bill to be entitled "An Act amending Acts of 1935, Forty-fourth Legislature, Regular Session, Special Laws, Chapter 45, as amended by Chapter 47, Acts 1937,

Forty-fifth Legislature, First Called Session, Special Laws, so as to prohibit the transportation outside the Counties of Blanco, Burnet, Gillespie, Hill, Jack, Kendall, Lampasas, Llano, Mason, McCulloch, Palo Pinto, San Saba, Stephens, Travis, Williamson, and Young, wherein minnows of any and all species are caught, seined, or taken; providing a penalty; and declaring an emergency."

H. B. No. 794, A bill to be entitled "An Act making it unlawful for a period of five years to kill or take any raccoon or mink, or possess the green hide of same, or offer same for sale in Red River County; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 798, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than fifty-one thousand, three hundred and four (51,304) nor more than fifty-one thousand, four hundred and four (51,404), according to the last preceding 1940 Federal Census, to allow each county commissioner certain traveling expenses while traveling on official business; and declaring an emergency."

H. B. No. 799, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than fifty-one thousand three hundred and four (51,304) and not more than fifty-one thousand four hundred and four (51,404), according to the last preceding 1940 Federal Census to authorize the commissioners' court to purchase pick-up trucks to be used by the county commissioners in the discharge of their official business; and declaring an emergency."

H. B. No. 801, A bill to be entitled "An Act to amend Section 1 of Chapter 90, page 194, Special Laws, Forty-second Legislature, Regular Session, 1931, as amended by Chapter 33, page 41, Special Laws, Forty-third Legislature, Regular Session, 1933, so as to remove Comanche County from the provision of said law; and declaring an emergency."

H. B. No. 802, A bill to be entitled "An Act making it unlawful to kill or attempt to kill wild turkey or trap or molest same in Newton and Jasper Counties for a period of five (5) years; providing a penalty; re-

pealing all conflicting laws; and declaring an emergency."

H. B. No. 803, A bill to be entitled "An Act providing for the protection of the Game and Fish Resources of Limestone County; providing for classification, control and/or destruction of such predatory animals to be vested in the county commissioners' court of said county; providing the duty of the county commissioners, upon application of 25 citizens of such county or precinct shall hold a hearing and determine whether any wild animal is a predatory animal, and that notice be posted for a period of ten (10) days before said hearing, providing for bounty, providing it shall be legal to take or destroy such predatory animals and sell the hides or pelts thereof, providing a re-hearing; and declaring an emergency."

H. B. No. 804, A bill to be entitled "An Act providing for issuing refunding bonds where the original bonds are now owned by two or more school entities, including common school districts, independent school districts, and cities which have assumed control of their schools or which constitute independent school districts."

H. B. No. 808, A bill to be entitled "An Act making it unlawful to hunt, take, and kill squirrels in Sutton County, Texas, at any time and declaring an open season for hunting squirrels in such county; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 811, A bill to be entitled "An Act providing that commissioners' courts in all counties having a population of not less than twenty-one thousand five hundred (21,500) nor more than twenty-two thousand four hundred (22,400) according to the last available Federal Census, as same may now exist or may hereafter exist; and in all counties having a population of not less than twenty-three thousand eight hundred (23,800) nor more than twenty-four thousand (24,000) according to the last available Federal Census, as same may now exist or may hereafter exist, shall have the power to provide facilities and financial aid to government agencies and bureaus having activities within the county; providing a saving clause; and declaring an emergency."

H. B. No. 812, A bill to be entitled "An Act authorizing cities operating under a Special or Home Rule Charter

and having a population of not less than thirty-five thousand (35,000) nor more than forty-five thousand (45,000) according to the last preceding Federal Census, to issue notes for the purpose of funding or refunding outstanding and unpaid warrants drawn against the general fund for operating expense; requiring that the issuance of all of such notes shall be authorized by a vote of the qualified property taxpaying voters of such city voting at an election held for that purpose; prescribing the rate of interest such notes shall bear and the maturities thereof; providing that the full faith and credit of such city may be pledged to the payment of such notes and the interest thereon; provided, however, that only such general fund warrants issued during the calendar year prior to the calendar year in which such funding or refunding operation is performed may be funded or refunded by the issuance of such notes; and provided further that all warrants drawn against the general fund during the calendar year in which such funding or refunding operation takes place and all warrants drawn against the general fund in subsequent years in which such funding or refunding takes place shall be paid out of current funds appropriated for that purpose and shall never be funded or refunded; and declaring an emergency."

H. B. No. 817, A bill to be entitled "An Act creating a special road law for DeWitt County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 31st day of March, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to DeWitt County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 820, A bill to be entitled "An Act for the purpose of better conserving the marine fish resources of this State by placing a closed season on shrimp in the inland salt water of this State during the period of time from and between the 15th day

of June and the 31st day of August and during the period of time from and between the 15th day of December and the 1st day of March of any year; providing that shrimp may be taken at any time of the year, with certain tackle, for bait; making it the duty of the Game, Fish and Oyster Commission to classify and re-classify salt water fish and authorize the taking of non-game species subject to certain limitations and license; providing a penalty for violations of this Act; providing for the seizing of tackle for evidence; repealing Section 1-D of Article 941 of the Penal Code and all laws conflicting herewith; and declaring an emergency."

H. B. No. 300, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than seventy-three thousand and not more than seventy-six thousand (76,000) according to the last preceding United States Census and not less than Forty-two Million (\$42,000,000.00) Dollars and not more than Fifty-two Million (\$52,000,000.00) Dollars taxable valuation according to the last available tax roll to allow each county commissioner in such counties certain expenses for traveling and in connection with the use of his automobile on official business; requiring each such commissioner to pay the expenses of operation and repair of each automobile used by him without further expense to the county; and declaring an emergency."

H. B. No. 311, A bill to be entitled "An Act requiring each State Department Head, Personnel Director, Executive Secretary, or any other person having executive authority over any person employed in any department of this State, whether elective or appointive, to give each discharged employee a letter and a copy of order of dismissal; recording such order in the minutes of such department where said employee is discharged; providing penalty upon conviction; duration of time before dismissal; defining for cause; and declaring an emergency."

H. B. No. 347, A bill to be entitled "An Act to disapprove, invalidate, and strike Rule 168 of the Rules promulgated by the Supreme Court of the State of Texas; providing the effective date of the Act; repealing all Acts inconsistent herewith; prohibiting seizure, search, or examination of the

person or any party without his consent, in civil actions, except actions under Workmen's Compensation Act; and declaring an emergency."

H. B. No. 354, A bill to be entitled "An Act conveying the title of the State of Texas to lot No. twelve (12) and lot No. thirteen (13), in block No. thirty-seven (37), of the original Townsite of Rosenberg, Fort Bend County, Texas, according to the plat of said town appearing of record in Volume P, pages one forty-six (146) and one forty-seven (147) of the Deed Records of Fort Bend County, Texas, acquired by the State under tax sale to Mrs. Millie Wolf, to and for her separate use and benefit; and declaring an emergency."

H. B. No. 362, A bill to be entitled "An Act creating the Lavaca County Flood Control District in Lavaca County, Texas, and defining its powers; designating the commissioners' court as the governing body of such district and defining the powers of such court in connection therewith; providing for the filing of a petition for the issuance of bonds, notice of hearing thereon, for an election therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Lavaca County; providing that State laws applicable to contracts and accounting for funds shall apply to such district; making the Act cumulative of other laws; providing for the use of public property by such district; granting the right of eminent domain; providing laws relating to assessing and collecting State and county current and delinquent taxes shall apply to said district; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 391, A bill to be entitled "An Act amending Chapter 100 of the Acts of the Forty-fourth Legislature, Regular Session, by adding thereto a Section to be known as Section 33-A; providing that every sale or contract of sale of any security in violation of any provision of Chapter 100 shall be voidable at the

election of the purchaser; providing how the purchaser may recover at law, the time that such actions may be brought; and providing an exemption when the purchase price is a royalty or a mineral interest in land and such security is sold through an unregistered agent; providing the time when any existing cause of action not now barred may be brought; and by adding thereto a Section to be known as Section 33-B, providing that no action shall be brought in any court for the recovery of any commission or compensation for the sale or purchase of securities unless plaintiff in such action shall prove that he is a licensed dealer or salesman under the provisions of this Act and that such securities were registered under the provisions of this Act, and providing certain exceptions thereto; and declaring an emergency."

H. B. No. 397, A bill to be entitled "An Act validating the order of the Commissioners' Court of Bowie County, Texas, which required the county tax assessor and collector to accept in full payment of all county taxes delinquent for the years 1932 and 1933, and due in 1934, the sum of fifty cents on the dollar; and instructing the State Comptroller to abide by the order of the said commissioners' court; and declaring an emergency."

H. B. No. 398, A bill to be entitled "An Act to amend Article 1107, Title 28, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Acts of the Forty-second Legislature, Chapter 250, page 417, adding Section 6, providing that a city or town shall have the right of eminent domain to condemn private property for the purpose of digging or drilling thereon water wells or producing water therefrom or constructing pump stations or reservoirs; and providing that if any portion of the Act be declared unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

H. B. No. 411, A bill to be entitled "An Act providing for fees and travel expenses of sheriffs and other peace officers whose income is on a fee basis and who travel into other states to serve extradition papers; providing travel expenses for sheriffs and other peace officers who are compensated by a fixed salary and who travel into

other states to serve extradition papers; and declaring an emergency."

H. B. No. 425, A bill to be entitled "An Act to amend Article 5949, Revised Civil Statutes of 1925, as amended by Acts of the Forty-sixth Legislature, page 498, Regular Session, 1939, so as to provide for appointment of notaries public by the Secretary of State of the State of Texas; prescribing their qualifications and terms of office; providing that this Act shall not affect the terms of those persons who have qualified as notaries public prior to the effective date hereof; and declaring an emergency."

H. B. No. 430, A bill to be entitled "An Act amending Chapter 7 of the General and Special Laws of the Third Called Session of the Forty-second Legislature being H. B. No. 35, page 8, making it unlawful to kill wild fox, or trap wild fox, for a period of three (3) years in Polk and Trinity Counties."

H. B. No. 431, A bill to be entitled "An Act making it unlawful to sell tickets to any sports event, amusement or entertainment in Texas for which an admission charge is made, in excess of the purchase price of the ticket appearing thereon, without having procured a license therefor from the Commissioner of Labor Statistics of the State of Texas; prohibiting the granting of any such license to any firm, partnership, association or corporation in the name of such; providing the procedure for the securing of a license and the license fee therefor; prescribing penalties; and declaring an emergency."

H. B. No. 460, A bill to be entitled "An Act making an appropriation for the 'Upper Guadalupe River Authority'; designating who shall have authority to execute vouchers under the direction and with the consent of directors of said district; limiting the purpose for which the money may be spent; providing money therein appropriated is intended as a loan and is to be repaid to the State's General Revenue Fund from the first revenue received by said district; and declaring an emergency."

H. B. No. 461, A bill to be entitled "An Act granting the Commissioners' Courts of Crockett, Sutton, Menard, Mason, Kimble, Kerr, Bandera, Real, and Edwards Counties permission to pay out of the General Fund of said

counties bounties for the destruction of rattlesnakes and predatory animals; and declaring an emergency."

H. B. No. 483, A bill to be entitled "An Act prohibiting the taking, trapping, or killing of raccoons and mink in the Counties of Guadalupe, Washington, Lee and Burleson for a period of three (3) years; providing a penalty therefor; and declaring an emergency."

H. B. No. 493, A bill to be entitled "An Act authorizing the commissioners' court in each county in this State having a population of not less than eighteen thousand, four hundred and forty-four (18,444) and not more than eighteen thousand, five hundred (18,500); and counties having a population of not less than twelve thousand, three hundred and forty-four (12,344) nor more than twelve thousand, five hundred (12,500), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction and maintenance of the public roads of the county; requiring each such commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act declaring it unlawful for any person to kill, take or have in his possession for barter or sale after the passage of this Act, for a period of five (5) years, any wild fox or the pelts thereof in the County of Bastrop, State of Texas, and providing a penalty therefor."

H. B. No. 499, A bill to be entitled "An Act to amend the subject matter embraced in Section 13 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Section 5 of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 7 of Chapter 2, Title: Labor; Acts of the Forty-sixth Legislature, Regular Session, and making provisions relative to the administration of the unemployment compensation administration fund; providing for the care, custody, and expenditure of said fund; providing for reimbursement to the fund for any sums of money not used for proper and efficient administra-

tion, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 703, A bill to be entitled "An Act creating the office of County Purchasing Agent in all counties in this State, having a population of more than ninety thousand (90,000) inhabitants and less than two hundred thousand (200,000) inhabitants, as shown by the latest United States Census, and any future census, providing for the appointment of such agent, prescribing his duties and fixing his compensation, prescribing the procedure for bids, prescribing a penalty for the violation of this Act, repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 709, A bill to be entitled "An Act providing for all counties having a population of not less than twenty-nine thousand two hundred and forty (29,240) and not more than twenty-nine thousand two hundred and fifty (29,250), according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all male persons the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1 of each year the sum of Three (\$3.00) Dollars; for the summons of persons in said counties for work on the public roads, said summons when issued shall compel the persons to appear the following day after summons for road duty, and repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 712, A bill to be entitled "An Act providing for a more adequate and equitable salary for constable and justice of peace in all counties in this State having a population of not less than twenty-five thousand, five hundred (25,500) and not more than twenty-six thousand, two hundred (26,200), and containing a city having a population of not less than fourteen thousand (14,000) and not more than fourteen thousand, five hundred (14,500), according to the last preceding Federal Census, in which is located a military camp; providing manner in which same shall be paid; and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act authorizing and empowering the commissioners' court to fix the compensation of the county attorneys

in all counties in this State having county attorneys and having a population of not less than twenty-five thousand, four hundred forty (25,440) nor more than twenty-six thousand, fifty (26,050), according to the last preceding Federal Census; fixing the maximum and minimum salary for such officer; fixing the mode and manner of payment of such salary; fixing the effective date of this Act, repealing all laws and parts of laws in conflict herewith to the extent of conflict only."

H. B. No. 714, A bill to be entitled "An Act providing for a closed season for taking wild deer and wild turkey in the Counties of Red River, Lamar and Bowie for five years; providing a penalty; repealing conflicting laws; and declaring an emergency."

H. B. No. 717, A bill to be entitled "An Act amending Chapter 56, page 806, Special Laws of the Forty-sixth Legislature, 1939, as it pertains to Menard County, Texas; prohibiting the taking of fish in Menard County with any device equipped with more than two (2) hooks, prohibiting the use of floats except in certain cases, except artificial bait used with a rod and reel and excepting a twenty (20) foot seine for the purpose of taking minnows for bait; providing size limits and bag for fish taken in said county; providing a closed season during the months of March and April; prohibiting the sale of any fresh water fish in said county; providing a penalty for any violation of this Act; prohibiting the taking of minnows for the purpose of sale or transporting more than two hundred (200) minnows from any county named in this Act; repealing all general and special laws in so far as they conflict with this Act; and declaring an emergency."

H. B. No. 723, A bill to be entitled "An Act limiting the tax rate which may be levied in any independent school district situated in any county in this State which county, according to the Federal Census of 1940, had a population of not less than ten thousand four hundred (10,400), and not more than ten thousand, six hundred sixty (10,660), and providing for a bond tax of not to exceed seventy-five (75c) cents on the One Hundred (\$100.00) Dollar valuation of taxable property in any such district, and a maintenance tax of not to exceed seventy-five (75c) cents on the

One Hundred (\$100.00) Dollar valuation of taxable property, and further providing that the amount of maintenance tax, together with the amount of bond tax of any such district shall never exceed One and 50/100 (\$1.50) Dollars, on the One Hundred (\$100.00) Dollar valuation of taxable property within any such district and if the rate of bond tax, together with the rate of maintenance tax voted in the district shall at any time exceed One and 50/100 (\$1.50) Dollars on the One Hundred (\$100.00) Dollars valuation, such bond tax shall operate to reduce the maintenance tax to the difference between the rate of the bond tax and One and 50/100 (\$1.50) Dollars, and further providing that no increase of the rate of tax authorized by any previous law shall be made until such action has been authorized by a majority of the votes cast by property taxpaying qualified voters at an election held in any such district for such purpose, and providing that if any part or portion of this Act shall be in conflict with any part or portion of any law of the State, the terms and provisions of this Act shall govern; and declaring an emergency."

H. B. No. 724, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take, or kill deer in Brown County, Texas; providing a bag limit of one buck for each hunter; fixing a penalty for violation hereof; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 725, A bill to be entitled "An Act directing Red River County to issue certain warrants or other evidence of indebtedness and to declare the validity of certain indebtedness arising out of the construction of State Highway No. 37 in the County of Red River; to place such indebtedness on a parity with bonds, warrants and other evidences of indebtedness heretofore authorized to be paid out of the 'County and Road District Highway Fund'; declaring that this Act shall prevail over all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 726, A bill to be entitled "An Act creating a special road law for Hardeman County, Texas, providing that said county may fund or refund the indebtedness outstanding in its road and bridge fund as of Febru-

ary 1, 1941, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; providing for sufficient tax levy; validating all acts of the commissioners' court and of the county officials of said county, in issuing said scrip or warrants; validating said scrip or warrants; providing that the general laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

H. B. No. 727, A bill to be entitled "An Act creating a special road law for San Patricio County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding; validating all acts of the commissioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to San Patricio County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

H. B. No. 728, A bill to be entitled "An Act authorizing boards of trustees in all independent school districts located in any county having a population of more than forty-five thousand (45,000) inhabitants and having an assessed valuation of not more than Seven Hundred Seventy-five Thousand (\$775,000.00) Dollars and not less than Five Hundred Fifty Thousand (\$550,000.00) Dollars, to issue refunding warrants to bear interest at the rate of three per centum (3%) per annum, for the purpose of paying salaries of employees of the schools; providing that the total amount of such warrants outstanding shall never exceed Five Thousand (\$5,000.00) Dollars at any given time; providing that such warrants shall be issued serially and paid in order; providing the manner

of issuing such warrants and validating the same; providing for the levy of a tax by the board of trustees to pay the interest on and retire such warrants within a designated time; and declaring an emergency."

H. B. No. 729, A bill to be entitled "An Act authorizing eligible cities and towns as defined herein to issue refunding bonds; prescribing the method of their issuance; providing the methods of securing and paying such bonds, enacting other provisions relating to the subject; making this Act cumulative of other laws; providing that it shall take precedence over other laws general or special, in conflict or inconsistent herewith; and declaring an emergency."

H. B. No. 732, A bill to be entitled "An Act to permit the county board of school trustees in counties having a population of thirty-seven thousand, two hundred fifty (37,250) to thirty-eight thousand, three hundred fifty (38,350) according to the last preceding Federal Census and a scholastic population of at least eight thousand five hundred (8,500) as shown by the last scholastic report for the preceding school year to employ a rural school supervisor or supervisors to plan, outline and supervise the work of the primary and intermediate grades of the rural schools of the counties, fixing the qualifications, the duties and the salary of such supervisor or supervisors; and declaring an emergency."

H. B. No. 733, A bill to be entitled "An Act creating the position of Assignment Clerk for all counties having eight district courts, two of which are criminal district courts, and four county courts of which two are county courts at law and one is a county criminal court, providing for the appointment of such clerk and for duties and salary; and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act providing for county tax for advertising in counties of ten thousand sixty-five (10,065) inhabitants and not over ten thousand seventy-five (10,075) inhabitants, providing for an election in such counties and providing for a board of county development in such counties; and declaring an emergency."

H. B. No. 736, A bill to be entitled "An Act prescribing the duties of the county treasurer in certain coun-

ties, and providing for his compensation."

H. B. No. 738, A bill to be entitled "An Act to amend Article 177 of Title 4, Chapter 1, of the Code of Criminal Procedure, to include in said Article 177 the offense of conversion by any executor, administrator or guardian having charge of any estate, real, personal or mixed, so that said Article 177 shall hereafter read as herein indicated, and declaring an emergency."

H. B. No. 741, A bill to be entitled "An Act defining the word person and providing that every director, officer, agent, employee or member of any firm, co-partnership, association or corporation, participating in, aiding or authorizing any violation of this Act shall be subject to the punishment provided herein; making it unlawful for any person, with exceptions, to open and refill or re-use the container, can, tank, pump, or other distributing device of any manufacturer, processor or distributor, for the purpose of offering for sale or selling lubricating oils, greases and similar products therefrom when said container, can, tank, pump or distributing device bears the trade-mark, symbol sign or other distinguishing mark of said manufacturer, processor or distributor, or of his products; providing that the possession of any refilled container, can, tank, pump or distributing device shall be prima facie evidence of possession thereof for the purpose of sale; making it unlawful to imitate the design, symbol, or trade name of recognized brands of lubricating oils, greases or similar products or to expose for sale or sell any such products under any trade-mark, trade name or other distinguishing mark, other than those of the manufacturer, processor or distributor of such products; providing for the enforcement of the provisions herein; prescribing penalties; and declaring an emergency."

H. B. No. 745, A bill to be entitled "An Act authorizing and providing procedure for the exclusion of un-irrigated lands from the boundaries of water control and improvement districts in this State now existing or hereafter created, in cases where any such district has an established and operating irrigating system from which only a part of the lands within said district can be irrigated and more than forty per cent of the lands in such district cannot be irrigated from

such established irrigation system, and such unirrigated lands have been within the boundaries of such district, and subject to taxation thereby, for as long as eight (8) years, and the limiting or adjusting of the liability of lands so excluded for the bonded indebtedness of such district; requiring the written consent of any such exclusion and limiting or adjustment of debt liability by the holders of at least eighty (80%) per cent in principal of the outstanding bonded indebtedness of such district; providing for the bringing of an action by such district so excluding lands therefrom and limiting and fixing the liability thereof for the bonded indebtedness of such district, in the district court of any county or judicial district in which such district or any part thereof may be situated to determine the validity and justness of the resolution and acts of the board of directors of such district in and by which such land or lands shall be excluded and the debt liability thereof determined and fixed; and declaring an emergency."

H. B. No. 529, A bill to be entitled "An Act fixing the salaries of county commissioners in counties of not less than twenty thousand four hundred and forty-two (20,442), and not more than twenty thousand four hundred and fifty (20,450) inhabitants; and declaring an emergency."

H. B. No. 536, A bill to be entitled "An Act to provide for the establishment of a juvenile board in counties having a population of not less than one hundred thousand (100,000) and not more than one hundred five thousand (105,000) inhabitants, according to the last preceding Federal Census; providing for the compensation of the members of the said board; and declaring an emergency."

H. B. No. 541, A bill to be entitled "An Act repealing H. B. No. 627, passed at the Regular Session of the Forty-fifth Legislature, the same being a local game bill for Polk County; and declaring an emergency."

H. B. No. 557, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer and/or wild turkey for a period of five (5) years in Roberts, Hemphill and Hutchinson Counties, Texas; fixing penalties; and declaring an emergency."

H. B. No. 570, A bill to be entitled "An Act appropriating for the fiscal

year 1940-41 all moneys accruing to the Highway Light Test Fund in accordance with existing law; and appropriating the sum of Four Hundred (\$400.00) Dollars from the State Highway Fund for the year 1940-41 to the credit of the Highway Light Test Fund to be used for the purposes described by and in accordance with existing law; and declaring an emergency."

H. B. No. 581, A bill to be entitled "An Act making an appropriation in the sum of One Thousand Eight Hundred Twenty-seven (\$1,827.00) Dollars to pay Mrs. J. Albert Ackermann for damages done certain properties in Bexar County, Texas, by reason of the construction of a State Highway by the State Highway Department adjacent to certain properties, complying with judgment of the District Court of the 37th Judicial District, Bexar County, Texas, said judgment being rendered upon a suit filed by the said Mrs. Ackermann in compliance with a request granted by H. C. R. No. 45 of the Forty-fifth Legislature of the State of Texas; authorizing and directing the State Highway Commission and the Comptroller of the State of Texas to pay said claim; and declaring an emergency."

H. B. No. 594, A bill to be entitled "An Act making an appropriation out of the General Revenue of the State of Texas for the Secretary of State, for the purpose of compiling, editing, indexing, binding, and distributing the current laws; making the same immediately available; and declaring an emergency."

H. B. No. 596, A bill to be entitled "An Act creating the County Court at Law of Travis County, Texas; defining the jurisdiction of said court; regulating practice therein; prescribing the terms of said court; providing for clerk and seal for said court and prescribing the duties of the sheriff and county attorney in relation to said court; limiting the jurisdiction of the County Court of Travis County; and providing for the transfer of cases pending and to be filed in the County Court of Travis County to the said court hereby created, and for appeals from inferior courts to the court hereby created, and for appeals from said court; creating the office of Judge of the County Court at Law of Travis County; providing for the appointment, election, removal,

bond and salary of the judge of said court and prescribing his qualifications; providing for a special judge; providing for the disposition of fees; providing for a court reporter and transfer of juries; and declaring an emergency."

H. B. No. 619, A bill to be entitled "An Act amending S. B. No. 6 of the Regular Session of the Forty-second Legislature; and declaring an emergency."

H. B. No. 621, A bill to be entitled "An Act amending Article 1645a-1, Chapter 2, Title 34, Revised Civil Statutes of Texas of 1925, providing for county auditors in certain counties to act as purchasing agents; compensation; and auditors for school districts; and declaring an emergency."

H. B. No. 21, A bill to be entitled "An Act to amend H. B. No. 144 of the Forty-fifth Legislature by striking out Section 4 of said Act and substitute in lieu thereof, a provision providing for an appropriation fund to pay salaries, compensation, and other expenses of said board; repealing all laws in conflict with this Act; and declaring an emergency."

H. B. No. 94, A bill to be entitled "An Act to amend Section 2, Chapter 446, page 1049, Forty-fifth Legislature, Regular Session 1937, pertaining to the issuance of a warrant of arrest in judicial proceedings in lunacy cases, form and requisites thereof and return to the county judge whereby the sheriff or constable executing said warrant with the consent of the superintendent of any State Hospital may place said person in a place especially provided therefor at such hospital to be remanded to the sheriff or constable to be taken before the county judge; and declaring an emergency."

H. B. No. 143, A bill to be entitled "An Act making it unlawful to hunt, take or kill any squirrel except during the months of October, November, and December in Liberty and Hardin Counties; providing for a penalty; repealing all conflicting laws; and declaring an emergency."

H. B. No. 153, A bill to be entitled "An Act, regulating the possession of the carcass of deer or part of same; the storage of same; repealing conflicting laws; providing a suitable penalty for violation of this Act; and declaring an emergency."

H. B. No. 181, A bill to be entitled "An Act to amend Section 4, S. B.

No. 28, Chapter 2, of the Acts of the Regular Session of the Forty-fourth Legislature, as amended by S. B. No. 485, Chapter 206, of the Acts of the Regular Session of the Forty-fifth Legislature, so as to extend the time of existence of the Special District Court of Rusk County, Texas; and declaring an emergency."

H. B. No. 235, A bill to be entitled "An Act amending Section 6 of S. B. No. 481, being Chapter 185 of the Acts of the Forty-second Legislature, Regular Session, page 311 (1931); appropriating examination fees provided for in said Act to Special Land Board for the purpose of defraying all expenses incident to the enforcement of said Act; providing for the drawing of warrants by the Comptroller on requisitions of the Commissioner of the General Land Office; transferring any sum remaining to the Permanent School Fund; providing that the amount accruing to the State of Texas for the sale of land under said Act shall be placed to the credit of the Permanent School Fund; and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act to amend Article 4733, Chapter 3, Title 78, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 286, A bill to be entitled "An Act to protect and preserve the political right and freedom, right and status of any and all persons employed, on, or to be on leave of absence, or in military service of the United States, by any person, firm, corporation or association of persons, by regulating in certain particulars the rights and relationships between such employers and employees with respect to political affairs, reinstatement and/or reemployment in former position with employer, defining, the term 'Employer of Labor'; providing fines and penalties for the violation of this Act; and repealing all laws or parts of laws in conflict herewith, making a separability provision; and declaring an emergency."

H. B. No. 298, A bill to be entitled "An Act prescribing additional powers and duties of the commissioners' court in counties having a population of not less than nine thousand nine hundred (9,900) and not more than eleven thousand (11,000) according to the latest Federal Census; making provision for holding an election in

each such county to determine whether a maintenance tax shall be levied against all property in such county for the support of public schools therein; prescribing the duties of the county judge and commissioners' court in reference to said election; prescribing the duties and powers of the several boards of district trustees, in determining the amount of money necessary to maintain the schools of each school district; prescribing the duties of the commissioners' court and various county officials in reference to levying, assessing and collecting such maintenance tax; prescribing certain administrative duties of the commissioners' court over schools in the county; providing for the distribution of tax moneys collected for the benefit of the several school districts; providing that when the county-wide maintenance tax is in full force and operation no school district within such county shall have authority to levy and collect further maintenance taxes except to the extent provided in this Act, leaving undisturbed the right and power of and requiring said districts to levy and collect taxes for interest and principal of bonds; providing that the duties and powers of school district trustees shall not be affected except as expressly provided in this Act; providing that this Act shall be cumulative of other laws; repealing laws inconsistent herewith; providing that if any part of this law shall be held unconstitutional remaining parts shall be unaffected."

The House has concurred in Senate amendments to H. B. No. 424 by a vote of 132 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 389 by a vote of 127 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 211 by a vote of 115 yeas, 9 noes.

The House has concurred in Senate amendments to H. B. No. 227 by a vote of 126 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 77 by a vote of 123 yeas, 0 noes.

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

Signing of Bills

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 368, A bill to be entitled "An Act providing for compensation for county auditor in certain counties; providing mode and manner of payment of such salary; and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act repealing H. B. No. 907, Chapter 34, Special Laws, Acts of the Forty-sixth Legislature, Regular Session, known as the road work law for Blanco County; and declaring an emergency."

Committee Substitute Senate Bill 20 on Engrossment

The President laid before the Senate, as postponed business, on its passage to engrossment (the bill having been read second time on February 24, 1941):

C.S.S.B. No. 20, A bill to be entitled "An Act providing a more efficient fiscal system for the State of Texas; creating a director of the Budget, a Legislative Audit Committee, and the appointment of a State Auditor by such Legislative Audit Committee; repealing H. B. No. 170, Chapter 91, Acts of the First Called Session of the Forty-first Legislature; providing that the appointment of the State Auditor and the Director of the Budget shall be by and with the consent of two-thirds of the members of the Senate; prescribing the qualifications, duties and authority of the Director of the Budget and providing for his compensation; providing the method of making up such budgets and making requests for appropriations and furnishing information to such Director; providing for clerical assistance to the Director; prescribing the qualifications, duties, and authority of said State Auditor and fixing his compensation; providing for the necessary assistants for said State Auditor and fixing their qualifications and compensation; providing for the payment of salaries, travel, and other expense of the office of State Auditor; providing for the removal of State Auditor and his assistants, or any of them, under certain conditions; providing a method of filling any vacancy in the office of State Auditor and vacancies in the

personnel of said office; and prescribing penalties; and declaring and emergency."

Senator Moore offered the following amendment to the bill:

Amend C. S. S. B. No. 20 by striking out Sections 19 to 27, both inclusive, and renumbering Section 28 so that the same shall be Section 19.

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend C. S. S. B. No. 20 by striking out lines 31 to 42, both inclusive, of page 1 of the printed bill.

The amendment was adopted.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 20 by striking out all of Sections Nos. 2, 3, 5 and 6, substituting in lieu thereof the following, and renumbering the subsequent Sections accordingly:

"Section 2. The Lieutenant Governor and Speaker of the House of Representatives shall each nominate for appointment not less than three nor more than five persons who, in their opinion, are qualified to serve as State Auditor. These nominations shall be sent to the House of Representatives within ten days after the convening of each biennial session of the Legislature and shall be acted on by the House of Representatives within two weeks thereafter. From the list submitted to the House of Representatives by the Lieutenant Governor and the Speaker of the House of Representatives one person may be chosen who shall in turn be considered by the Senate, and if he shall not receive the approval of two-thirds of the members of the Senate he shall not be considered as approved, and the Lieutenant Governor and Speaker of the House of Representatives shall immediately proceed to the nominations of additional names to the House of Representatives for consideration for appointment to the place of State Auditor.

"The Auditor so appointed and confirmed shall serve for a period of two years from and after February 15 of each odd-numbered year, or until his successor has been appointed, confirmed and qualified."

Senator Van Zandt moved to table the amendment.

Senator Van Zandt withdrew the motion to table temporarily.

Senator Van Zandt renewed the motion to table the amendment.

Senator Metcalfe withdrew the amendment.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 20 by striking out all of Sections Nos. 2, 3, 5 and 6, substituting in lieu thereof the following, and renumbering the subsequent Sections accordingly:

"Section 2. The Lieutenant Governor and Speaker of the House of Representatives shall nominate for appointment a person who, in their opinion, is qualified to serve as State Auditor. This nomination shall be sent to the Senate within ten days after the convening of each biennial session of the Legislature and shall be considered for confirmation by the Senate and if he shall not receive the approval of two-thirds of the members of the Senate present, he shall not be considered as approved, and the Lieutenant Governor and Speaker of the House of Representatives shall immediately proceed to make a new appointment to the place of State Auditor.

"The Auditor so appointed and confirmed shall serve for a period of two years from and after February 15 of each odd-numbered year, or until his successor has been appointed, confirmed and qualified."

Senator Moore moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—21

Aikin	Moore
Beck	Ramsey
Brownlee	Shivers
Fain	Smith
Formby	Stone
Hazlewood	Van Zandt
Isbell	Vick
Kelley	Weinert
Lovelady	Winfield
Martin	York
Moffett	

Nays—7

Cotten	Mauritz
Graves	Metcalfe
Lanning	Sulak
Lemens	

Present--Not Voting

Hill

Paired

Senator Chadick (present), who would vote nay with Senator Spears (absent), who would vote yea.

Senator Brownlee moved the previous question on the passage of the bill to engrossment, and the motion was duly seconded.

The main question was ordered by the following vote:

Yeas—18

Beck	Moore
Brownlee	Ramsey
Fain	Shivers
Formby	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Weinert
Martin	Winfield
Moffett	York

Nays—12

Aikin	Lemens
Chadick	Lovelady
Cotten	Mauritz
Graves	Metcalf
Hill	Sulak
Lanning	Vick

Absent—Excused

Spears

Question then recurring on the passage of the bill to engrossment, yeas and nays were demanded.

The bill was passed to engrossment by the following vote:

Yeas—21

Beck	Moore
Brownlee	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Isbell	Van Zandt
Kelley	Vick
Lovelady	Weinert
Martin	Winfield
Moffett	York

Nays—7

Chadick	Lemens
Cotten	Mauritz
Hill	Metcalf
Lanning	

Paired

Senator Aikin (present), who would vote nay with Senator Spears (absent), who would vote yea.

Motion to Place Committee Substitute Senate Bill 20 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 20 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—21

Aikin	Moffett
Beck	Moore
Brownlee	Ramsey
Fain	Shivers
Formby	Smith
Graves	Stone
Hazlewood	Van Zandt
Isbell	Weinert
Kelley	Winfield
Lovelady	York
Martin	

Nays—9

Chadick	Mauritz
Cotten	Metcalf
Hill	Sulak
Lanning	Vick
Lemens	

Absent—Excused

Spears

Senate Resolution 78

Senator Formby, by unanimous consent, offered the following resolution at this time:

Whereas, Governor Zenas W. Bliss, a former Lieutenant Governor of Rhode Island is visiting in the City of Austin and is present in the Capitol; now, therefore, be it

Resolved by the Senate of Texas, That the privileges of the floor be extended to him.

The resolution was read and was adopted.

Accordingly, Senators Formby and York escorted Governor Zenas W. Bliss to the President's desk, and was presented to the Senate by the President Stevenson.

Governor Bliss then addressed the Senate briefly.

Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 77, A bill to be entitled "An Act to amend Section 8 of Chapter 282, Acts of the Regular Session, Forty-second Legislature, 1931; and declaring an emergency."

H. B. No. 154, A bill to be entitled "An Act to amend Section 24, Chapter 241, H. B. No. 755, Acts of the Regular Session of the Forty-fourth Legislature, by adding a new paragraph to said Section 24, to be known as subsection (c); directing the Treasurer to promulgate rules and regulations providing for the exchange or replacement of new stamps for any stamps affixed to any package of cigarettes under certain circumstances; and declaring an emergency."

H. B. No. 211, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of Texas, as amended by Chapter 120, Acts of the Forty-fourth Legislature, Regular Session, providing for the use of sweet and other natural gas under certain conditions for the manufacture of carbon black; and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act authorizing the county board of trustees in counties having a population of not less than five thousand, nine hundred (5,900) nor more than six thousand (6,000) as shown by the Federal Census of 1940, to set aside a certain amount of the available school fund apportioned to such counties to defray certain expenses in the administration of the scholastic affairs of such counties; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act amending Article 5954 of the Revised Civil Statutes of 1925, relative to authority of notaries public and requiring them to print or stamp their name under their signature when

signed in their official capacity; and declaring an emergency."

H. B. No. 424, A bill to be entitled "An Act to permit any county containing a population not less than seven thousand, one hundred (7,100) nor more than seven thousand, four hundred ninety-seven (7,497) according to the last preceding Federal Census to adopt by a majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a county-wide school district therein; making provision for holding election in each such county on the question of the adoption of the provisions of this Act; making provision for holding election in each such county to determine whether an equalization tax not to exceed twenty (20) cents on the One Hundred Dollars (\$100.00) valuation of property shall be levied and collected annually on all taxable property in the county, such tax to be distributed to the school districts of the county as herein provided; making provision for the assessment and collection of said equalization tax, and prescribing the duties of the county tax assessor and collector and county superintendent; prescribing the duties of the county board of school trustees with respect to such tax and the funds derived therefrom; providing that all rights, duties and powers of the several common and independent school districts in any such county shall remain undisturbed and shall not be affected, except as expressly provided in this Act; providing a saving clause; repealing all laws in conflict herewith; and declaring an emergency."

Adjournment

Senator Cotten moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of
Mr. J. A. Holt

Senator Lanning offered the following resolution:

(Senate Resolution 79)

Whereas, The Senate has learned with regret of the death of Mr. J. A. Holt on Monday, March 31, 1941, the father of our Segreant-at-Arms, Captain A. W. Holt; and

Whereas, The said J. A. Holt lived a long, useful and active life; and

Whereas, His memory is revered by his community, and his kindness and beneficial work will remain forever in the minds of those who loved him and others to whom his friendship was unexcelled; and

Whereas, A life of such distinguished service and devout Christianity deserves recognition and tribute by his fellow man; therefore, be it

Resolved by the Senate, That the members thereof deeply regret the passing of this noble and worthy character and that we extend our sincere sympathy to the surviving members of his family; and, be it further

Resolved, That the Secretary of the Senate send a copy of this resolution to Captain Holt at Graham, Texas, by telegraph today.

LANNING,
MOFFETT,
ISELL.

Signed.—Aikin, Beck, Brownlee, Chadick, Cotten, Fain, Formby, Graves, Hazlewood, Hill, Isbell, Kelley, Lanning, Lemens, Lovelady, Martin, Mauritz, Metcalfe, Moffett, Moore, Ramsey, Shivers, Smith, Spears, Stone, Sulak, Van Zandt, Vick, Weinert, Winfield and York.

The resolution was read.

On motion of Senator Cotten, and by unanimous consent, the names of all the Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously.